

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

<b>JACOBO RAMIREZ SANCHEZ</b>	)	
Claimant	)	
VS.	)	
	)	
<b>PALMER MANUFACTURING &amp; TANK</b>	)	
Respondent	)	Docket No. 1,006,123
	)	
AND	)	
	)	
<b>ROYAL SUNALLIANCE</b>	)	
Insurance Carrier	)	

**ORDER**

Claimant appeals from a preliminary hearing Order Denying Medical Treatment entered by Administrative Law Judge Pamela J. Fuller on February 11, 2003.

**ISSUES**

The Administrative Law Judge (ALJ) granted claimant's request for the payment of \$400 in unauthorized medical expenses but denied claimant's request for additional treatment from an authorized treating physician. Claimant's Application for Review by the Kansas Workers' Compensation Appeals Board and Docketing Statement states the issues as:

1. Whether claimant suffered a series of accidental injuries arising out of and in the course and scope of his employment with Palmer Manufacturing & Tank through August 12, 2002.

2. Whether the Administrative Law Judge exceeded her authority by applying one standard of veracity to Claimant's medical evidence and not applying the same standard to Respondent's medical evidence.<sup>1</sup>

However, at the February 10, 2003 preliminary hearing there was no issue concerning the compensability of the claim. After respondent agreed to pay the unauthorized medical expense, the only issue was whether claimant was in need of additional medical treatment.<sup>2</sup>

#### **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

After reviewing the record and considering the arguments, the Appeals Board (Board) concludes it does not have jurisdiction at this point in the proceedings to determine the issues raised, and the appeal should be dismissed.

The Board concludes that this appeal does not raise a jurisdictional issue. K.S.A. 44-534a lists jurisdictional issues. Whether claimant is or is not at maximum medical improvement, whether or not additional medical treatment is necessary and which treatment providers should be authorized are not among the issues listed. Where other jurisdictional prerequisites are met, including notice, timely written claim, and accident arising out of and in the course of employment, the ALJ has jurisdiction to determine these issues concerning additional medical treatment. The ALJ's decision on those questions are not subject to review at this stage of the proceedings.

**WHEREFORE**, the appeal of the Order Denying Medical Treatment entered by Administrative law Judge Pamela J. Fuller on February 11, 2003, is dismissed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_\_ day of May 2003.

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BOARD MEMBER

c: Conn Felix Sanchez, Attorney for Claimant  
Terence J. Torline, Attorney for Respondent  
Pamela J. Fuller, Administrative Law Judge  
Director, Division of Workers Compensation

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<sup>1</sup> Application for Review by the Kansas Workers' Compensation Appeals Board and Docketing Statement (filed Feb. 26, 2003).

<sup>2</sup> P.H. Trans. at 15.

**JACOBO RAMIREZ SANCHEZ**

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